

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission on its Own Motion	)	
	)	
Adjudication of any Allegations not Resolved by the	)	Docket No. 16-0260
Commission's Dismissal of Docket 16-0245.	)	

**JOINT MOTION TO DISMISS**

Ameren Illinois Company (AIC), together with the Staff of the Illinois Commerce Commission (Staff), and the Citizens Utility Board (CUB) jointly move to dismiss this proceeding.

Section 16-108.6 of the Public Utilities Act requires participating utilities, including AIC, to file, “on April 1 of each year ... after consultation with the Smart Grid Advisory Council ... a report regarding the progress it has made toward completing implementation of its AMI Plan.” 220 ILCS 5/16-108.6(e). AIC filed its 2016 Annual Report on April 1, 2016.

In response, CUB and the Environmental Defense Fund (EDF) filed a Complaint “pursuant to 220 ILCS 5/10-108 and 5.16-108.6(e) of the Public Utilities Act,” alleging that AIC had not satisfied the reporting requirements of Section 16-108.6(e) because its Report “lack[ed] sufficient detail” and asking the Commission to initiate an investigation under Section 16-108.6(e). *Citizens Util. Bd. and Environmental Defense Fund: Complaint to Open an Investigation pursuant to 220 ILCS 5/16-108.6 regarding Ameren Illinois Company's Progress in Implementing Its AMI Plan*, Docket No. 16-0245, Complaint at ¶¶ 11, 15. CUB also noted that AIC had requested Commission approval of its proposal to accelerate its deployment of advanced metering infrastructure (“AMI”). Complaint at ¶ 2, 16.

The Commission declined to initiate an investigation and dismissed the CUB/EDF complaint “insofar as it alleges that [AIC] has failed to comply with Section 16-108.6(e) of the

Act,” finding that AIC’s Report “contains the information [AIC] is required to track as a result of its approved AMI Plan,” and that AIC’s Report “complies with the statute.” *Citizens Util. Bd.*, Docket No. 16-0245, Order at 6, 8. The Commission directed AIC to file a petition to reopen ICC Docket No. 12-0244 for the purpose of allowing Commission review of its proposal to accelerate its AMI deployment. *Id.* at 7.

However, the Commission noted that the CUB/EDF complaint made reference to Section 10-108 of the Act, in addition to its allegations under Section 16-108.6(e). Docket No. 16-0245, Order at 4-5. Therefore, the Commission directed that a proceeding pursuant to Section 10-108 be opened “for the limited purpose of determining what, if any of CUB’s allegations survive the dismissal of their Section 16-108.6(e) claims.” *Id.* at 6-7. In so directing, the Commission stated, “we make clear that we are not authorizing CUB to file an amended Complaint, but rather to demonstrate, based on the four corners of their existing Complaint, what, if any relief they could obtain under Section 10-108 of the Act, in light of our dismissal of their Section 16-108.6(e) claims.” *Id.* This proceeding, Docket No. 16-0260, was opened per that directive.

Following the opening of this docket, ICC Docket No. 12-0244 was reopened. Subsequently, the parties in this docket conferred and have reached agreement that none of CUB/EDF’s allegations from Docket No. 16-0245 survive dismissal of their Section 16-108.6(e) claims. AIC, Staff and CUB therefore jointly move to dismiss the proceeding.

Dated: August 12, 2016

Respectfully submitted,

**AMEREN ILLINOIS COMPANY**  
d/b/a/ Ameren Illinois

/s/ Albert D. Sturtevant  
One of its attorneys

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Respectfully submitted,



One of its attorneys

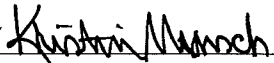
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*Counsel for Staff of the Illinois Commerce  
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Dated: August \_\_\_\_, 2016

Respectfully submitted,

**Citizens Utility Board**

/s/ \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I, Albert D. Sturtevant, an attorney, certify that on August 12, 2016, I caused a copy of the foregoing *Joint Motion to Dismiss* to be served by electronic mail to the individuals on the Commission's Service List for Docket 16-0260.

/s/ Albert D. Sturtevant  
Attorney for Ameren Illinois Company  
d/b/a Ameren Illinois